

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUAN CHAVEZ,

Plaintiff,

-vs-

Case No: 1:07-cv-07985-GEL

UNITED STATES

Defendant.

/

ROBERTA E. ASHKIN (#115461515)
Local Counsel
580 Broadway, Ste. 906
New York, NY 10012
212-965-0010
212-965-1301 - fax
robertaashkin@aol.com

COMPLAINT

NOW COMES Plaintiff, by and through counsel undersigned, Roberta E. Ashkin, complaining against Defendant as follows:

1. Jurisdiction and venue lie in this action, Defendant conducting business within this forum's boundaries.
2. Jurisdiction is founded under the Jones Act (46 USC 30104) for negligence, under the General Maritime Law for unseaworthiness, maintenance, cure, and wages and Clarification Act 50 USC 1291.

3. At all times material to issues herein Plaintiff served as an employee of Defendant serving as a crew member aboard the USNS MARY SEARS, with all acts and/or omissions giving rise to this action occurring in the course of Plaintiff's employment in the service of his ship.

4. On or about July 23, 2006, Plaintiff was in the course of employment when he was ordered to open a specific hatch in an undermanned context that also had a defective or otherwise unadjusted spring when because of the failure to provide a safe place to work and seaworthy vessel he was injured.

5. Defendant's tortious acts aforesaid caused or contributed to Plaintiff's damages, inter alia, as follows:

- a. Pain and suffering, past future;
- b. Mortification, humiliation, fright shock and embarrassment;
- c. Loss of earnings and earning capacity;
- d. Hospital, pharmaceutical and other cure expenses;
- e. Aggravation of prior condition, if any there be;
- f. Inability to engage in social, recreational, and other pursuits previously enjoyed;
- g. Mental anguish;
- h. Found;
- i. Maintenance, cure, wages and/or attorney fees.

WHEREFORE, Plaintiff demands trial by jury and judgment against Defendant, together with interest, costs, attorney fees and expenses, all to be methodically adjusted upwards during the pendency of this cause.

/s/ Roberta E. Ashkin

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Dated: August 27, 2007

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DEMAND FOR TRIAL BY JURY

____ NOW COMES Plaintiff by and through counsel undersigned, Roberta E. Ashkin, and hereby demands trial by jury in the above-referenced cause of action.

/s/ Roberta E. Ashkin

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